

OGC Has Reviewed

OGC 69-0705

15 April 1969

MEMORANDUM FOR: Deputy Chief, Plans and Analysis Division,
Office of Personnel

SUBJECT: Creditability of Overseas TDY Towards
Home Leave Eligibility

REFERENCE: Memo from DC/Plans and Analysis Div.,
to OGC, dtd. 18 March 1969, same subject

1. This is in response to your memorandum of 18 March 1969 in which you made the following three inquiries:

- a. Is creditability of TDY service abroad towards the home leave service period (pursuant to reference) "automatic" or does the creditability of such service require approval in individual cases in order for it to be creditable;
- b. Is the time creditable towards home leave or overseas travel rights in a PCS conversion abroad without affecting in any way earlier benefits paid to an employee while in a TDY status (such as per diem); and
- c. Will a conversion to PCS status of an overseas employee at the same or another overseas post while he is serving overseas in a TDY capacity permit the Agency to accrue home leave time as of the first day of the employee's arrival at the overseas post as opposed to accruing home leave time as of the first day of the conversion to PCS status?

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2. In answer to (a), a single administrative determination may be made that TDY spent by an employee at an overseas post is creditable towards the service period required for home leave when the fact situation in the particular case indicates that the employee has been subsequently converted to PCS status at the same or another overseas post. However, each case will have to be approved in routine fashion after an examination of the particular fact situation.

3. In answer to (b), we are of the opinion that if the statutory and regulatory requirements set forth in the reference are satisfied, the creditability of overseas travel rights or home leave time in a PCS conversion abroad will not affect per diem benefits paid to the employee in an earlier TDY status.

4. In answer to (c), [REDACTED] states that creditable service accrues at the rate of fifteen workdays for each year of creditable service outside the United States after 6 September 1960. Creditable service "begins with the date of the employee's arrival at a post of duty outside the United States, . . ." We see nothing in the home leave statutes or regulations which would preclude this Agency from adopting a policy to compute the accrual of home leave from the date of the employee's arrival at the post outside of the United States in those cases where the TDY employee is subsequently converted to PCS status as discussed in the reference. Should you desire to do so, you could incorporate such a policy decision into the Agency regulations.

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[REDACTED]
Office of General Counsel

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OD/Pers Distribution:

- 1 - Policy File
- 1 - DC/PAD (Mr. [REDACTED])
- X - Subject File

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